



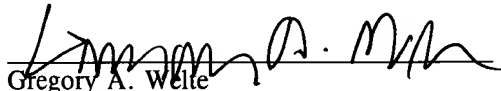
IFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Assignee's Docket No.: 8771.00 )  
Group Art Unit: 3624 )  
Serial No.: 09/780,696 )  
Examiner: R. Weisberger )  
Filing Date: February 9, 2001 )  
Title: Self Service Terminal )

CERTIFICATE OF MAILING

I certify that this document is addressed to Mail Stop Petition, Commissioner of Patents, PO Box 1450, Alexandria, VA 22313-1450, and will be deposited with the U.S. Postal Service, first class postage prepaid, on January 11, 2008.

  
Gregory A. Welter

PETITION UNDER 37 CFR § 1.127

No Fee Required

Honorable Commissioner of Patents and Trademarks  
Washington, DC 20232

Sir:

The undersigned attorney states as follows.

SUMMARY

1. This Petition concerns a refusal to enter an Amendment-After-Final, submitted with an Appeal Brief.

The Amendment-After-Final did one thing: re-write two claims from dependent form into independent form, to overcome 112 - objections, and obtain allowance.

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#### PETITION IN DETAIL

2. A Final Office Action in the application identified above was mailed on March 22, 2007. That Final Action, page 3, stated that dependent claims 51, 54, 55, and 56 would be allowable if re-written to overcome 112 - rejections.

3. An Appeal Brief was mailed on August 20, 2007. An Amendment-After-Final was mailed with the Brief, which re-wrote dependent claims 51 and 54 into independent form.

4. In response to the Amendment-After-Final, a Notice of Non-Compliant Amendment was mailed on December 11, 2007. No author of that Notice is identified in the Notice, nor is a telephone number given as a point of contact.

5. The only relevant content of that Notice is this:

Continuation of 5 Other: The applicant has filed both an appeal brief and an amendment after final. The response to the final may be either a (sic) amendment after final or a (sic) appeal brief.

6. The cited content of the Notice (item (5) above)) is erroneous. MPEP § 1207 specifically allows amendments to be submitted after final, as does 37 CFR § 41.33.

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Specifically, 37 CFR § 41.33(b)(2) explicitly allows an amendment which accompanies a Brief to re-write dependent claims into independent form. The Amendment in question did precisely that.

7. On or about January 4, 2008, the undersigned attorney telephoned the Examiner in this Application, Richard Weisberger, and received a voice mail message. That message gave the Examiner's e-mail address. The undersigned attorney sent an e-mail message to the Examiner which summarized points made herein, and requested that the Notice be withdrawn.

On or about January 7, 2008, no response was received, so the undersigned attorney left a telephone message with Examiner Weisberger, which pointed to the e-mail message.

On or about January 8, 2008, no response was received, so the undersigned attorney left a message with the supervisory examiner, James Kramer, again summarizing points made herein.

To date, no response has been received from either Examiner.

8. THEREFORE, Petitioner requests that

- 1) the Notice of Non-Compliant Amendment be withdrawn, and
- 2) the Amendment mailed August 20, 2007, together with the Appeal Brief mailed on that

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date be entered into the file, and submitted  
to the Board of Appeals.

9. In accordance with the rules governing petitions, which state that Applicants must respond to requirements petitioned against, a letter was mailed on January 11, 2008, cancelling the Amendment-After-Final.

In addition, a Corrected Appeal Brief was mailed on January 11, 2008, correcting some references in the Brief to the now-cancelled Amendment-After-Final.

A grant of the Petition will restore the status quo prior to the mailing of the Notice of Non-Compliant Amendment.

Respectfully submitted,

  
Gregory A. Welte  
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